

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 997

FINAL READING

Introduced by Mello, 5.

Read first time January 20, 2010

Committee: Urban Affairs

A BILL

1 FOR AN ACT relating to political subdivisions; to amend
2 sections 15-1102, 19-903, and 23-114.02, Reissue Revised
3 Statutes of Nebraska; to change provisions relating to
4 comprehensive plans of counties and cities; and to repeal
5 the original sections.

6 Be it enacted by the people of the State of Nebraska,

1 Section 1. When a city of the metropolitan class
2 adopts a new comprehensive plan or a full update to an existing
3 comprehensive plan on or after the effective date of this act, but
4 not later than January 1, 2015, such plan or update shall include,
5 but not be limited to, an energy element which: Assesses energy
6 infrastructure and energy use by sector, including residential,
7 commercial, and industrial sectors; evaluates utilization of
8 renewable energy sources; and promotes energy conservation measures
9 that benefit the community.

10 Sec. 2. Section 15-1102, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 15-1102 The general plan for the improvement and
13 development of the city of the primary class shall be known
14 as the comprehensive plan. This plan for governmental policies
15 and action shall include the pattern and intensity of land
16 use, the provision of public facilities including transportation
17 and other governmental services, the effective development and
18 utilization of human and natural resources, the identification
19 and evaluation of area needs including housing, employment,
20 education, and health and the formulation of programs to meet
21 such needs, surveys of structures and sites determined to be of
22 historic, cultural, archaeological, or architectural significance
23 or value, long-range physical and fiscal plans for governmental
24 policies and action, and coordination of all related plans
25 and activities of the state and local governments and agencies

1 concerned. The comprehensive plan, with the accompanying maps,
2 plats, charts and descriptive and explanatory materials, shall show
3 the recommendations concerning the physical development pattern of
4 such city and of any land outside its boundaries related thereto,
5 taking into account the availability of and need for conserving
6 land and other irreplaceable natural resources, the preservation
7 of sites of historic, cultural, archaeological, and architectural
8 significance or value, the projected changes in size, movement, and
9 composition of population, the necessity for expanding housing and
10 employment opportunities, and the need for methods of achieving
11 modernization, simplification, and improvements in governmental
12 structures, systems, and procedures related to growth objectives.
13 The comprehensive plan shall, among other things, show:

14 (1) The general location, character, and extent of
15 existing and proposed streets and highways and railroad, air,
16 and other transportation routes and terminals;

17 (2) Existing and proposed public ways, parks, grounds,
18 and open spaces;

19 (3) The general location, character, and extent of
20 schools, school grounds, and other educational facilities and
21 properties;

22 (4) The general location and extent of existing and
23 proposed public utility installations;

24 (5) The general location and extent of community
25 development and housing activities; and

1 (6) The general location of existing and proposed public
2 buildings, structures, and facilities; and-

3 (7) When a new comprehensive plan or a full update to an
4 existing comprehensive plan is developed on or after the effective
5 date of this act, but not later than January 1, 2015, an energy
6 element which: Assesses energy infrastructure and energy use by
7 sector, including residential, commercial, and industrial sectors;
8 evaluates utilization of renewable energy sources; and promotes
9 energy conservation measures that benefit the community.

10 The comprehensive plan shall include a land-use plan
11 showing the proposed general distribution and general location
12 of business and industry, residential areas, utilities, and
13 recreational, educational, and other categories of public and
14 private land uses. The land-use plan shall also show the
15 recommended standards of population density based upon population
16 estimates and providing for activities for which space should be
17 supplied within the area covered by the plan. The comprehensive
18 plan shall include and show proposals for acquisition, extension,
19 widening, narrowing, removal, vacation, abandonment, sale, and
20 other actions affecting public improvements.

21 Sec. 3. Section 19-903, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 19-903 The regulations and restrictions authorized
24 by sections 19-901 to 19-915 shall be in accordance with a
25 comprehensive development plan which shall consist of both

1 graphic and textual material and shall be designed to accommodate
2 anticipated long-range future growth which shall be based upon
3 documented population and economic projections. The comprehensive
4 development plan shall, among other possible elements, include:

5 (1) A land-use element which designates the proposed
6 general distributions, general location, and extent of the uses
7 of land for agriculture, housing, commerce, industry, recreation,
8 education, public buildings and lands, and other categories of
9 public and private use of land;

10 (2) The general location, character, and extent of
11 existing and proposed major roads, streets, and highways, and
12 air and other transportation routes and facilities;

13 (3) The general location, type, capacity, and area served
14 of present and projected or needed community facilities including
15 recreation facilities, schools, libraries, other public buildings,
16 and public utilities and services; and

17 (4) When a new comprehensive plan or a full update
18 to an existing comprehensive plan is developed on or after the
19 effective date of this act, but not later than January 1, 2015,
20 an energy element which: Assesses energy infrastructure and energy
21 use by sector, including residential, commercial, and industrial
22 sectors; evaluates utilization of renewable energy sources; and
23 promotes energy conservation measures that benefit the community.
24 This subdivision shall not apply to villages; and

25 ~~(4)(a)~~ (5)(a) When next amended after January 1, 1995, an

1 identification of sanitary and improvement districts, subdivisions,
2 industrial tracts, commercial tracts, and other discrete developed
3 areas which are or in the future may be appropriate subjects
4 for annexation and (b) a general review of the standards and
5 qualifications that should be met to enable the municipality to
6 undertake annexation of such areas. Failure of the plan to identify
7 subjects for annexation or to set out standards or qualifications
8 for annexation shall not serve as the basis for any challenge to
9 the validity of an annexation ordinance.

10 Regulations shall be designed to lessen congestion in the
11 streets; to secure safety from fire, panic, and other dangers; to
12 promote health and the general welfare; to provide adequate light
13 and air; to prevent the overcrowding of land; to secure safety from
14 flood; to avoid undue concentration of population; to facilitate
15 the adequate provision of transportation, water, sewerage, schools,
16 parks and other public requirements; to protect property against
17 blight and depreciation; to protect the tax base; to secure economy
18 in governmental expenditures; and to preserve, protect, and enhance
19 historic buildings, places, and districts.

20 Such regulations shall be made with reasonable
21 consideration, among other things, for the character of the
22 district and its peculiar suitability for particular uses and with
23 a view to conserving the value of buildings and encouraging the
24 most appropriate use of land throughout such municipality.

25 Sec. 4. Section 23-114.02, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 23-114.02 The general plan for the improvement and
3 development of the county shall be known as the comprehensive
4 development plan and shall, among other elements, include:

5 (1) A land-use element which designates the proposed
6 general distribution, general location, and extent of the uses
7 of land for agriculture, housing, commerce, industry, recreation,
8 education, public buildings and lands, and other categories of
9 public and private use of land;

10 (2) The general location, character, and extent of
11 existing and proposed major streets, roads, and highways, and
12 air and other transportation routes and facilities; ~~and~~

13 (3) When a new comprehensive plan or a full update to an
14 existing comprehensive plan is developed on or after the effective
15 date of this act, but not later than January 1, 2015, an energy
16 element which: Assesses energy infrastructure and energy use by
17 sector, including residential, commercial, and industrial sectors;
18 evaluates utilization of renewable energy sources; and promotes
19 energy conservation measures that benefit the community; and

20 ~~(3)~~ (4) The general location, type, capacity, and area
21 served of present and projected or needed community facilities
22 including recreation facilities, schools, libraries, other public
23 buildings, and public utilities and services.

24 The comprehensive development plan shall consist of both
25 graphic and textual material and shall be designed to accommodate

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1 anticipated long-range future growth which shall be based upon
2 documented population and economic projections.

3 Sec. 5. Original sections 15-1102, 19-903, and 23-114.02,
4 Reissue Revised Statutes of Nebraska, are repealed.